

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	Case No. 11-55610-JB
	:	
JAN R. SMITH CONSTRUCTION	:	
COMPANY,	:	Chapter 11
	:	
Debtor.	:	

IN RE:	:	Case No. 11-56072-JB
	:	
STEPHEN M. SMITH and	:	
SUZANNE S. SMITH,	:	Chapter 11
	:	
Debtors.	:	

ORDER APPROVING JOINT DISCLOSURE STATEMENT AND
CONFIRMING PLAN OF STEPHEN M. SMITH & SUZANNE S. SMITH

The above-styled jointly administered cases came before the Court on September 14, 2011 for a hearing on confirmation of separate Chapter 11 Plans filed by corporate debtor Jan R. Smith Construction Company and individual debtors Stephen M. and Suzanne S. Smith, along with a final hearing to approve a Joint Disclosure Statement by both debtors, which was conditionally approved by the Court on August 9, 2011. All creditors and parties-in-interest were given proper notice of the hearing and deadline of September 8, 2011 for filing (1) ballots accepting or rejecting the Plans and (2) any objections to confirmation of the Plans. No objections to the Joint Disclosure Statement were filed. Joseph J. Burton, Jr. appeared for the debtors, and debtors Stephen and Suzanne Smith were present. David Cranshaw appeared for People's United Equipment Finance Company, a secured creditor in the case of Jan R. Smith Construction Company. Bank of America, a secured creditor in the case of Stephen and Suzanne Smith, filed an objection to confirmation of the Smiths' Plan. The

Smiths amended their Plan, curing Bank of America's objection, and Bank of America voted in favor of the Plan. This a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Based on the representations made by counsel and review of the record, the Court concludes and ORDERS as follows:

1. The Joint Disclosure Statement that was conditionally approved on August 9, 2011 is finally approved. [Docket No. 66].

2. The Chapter 11 Plan of Stephen M. Smith and Suzanne S. Smith (the "Plan"), having been accepted by all creditor classes and having satisfied the requirements for plan confirmation under 11 U.S.C. § 1129, is confirmed. [Docket Nos. 64 and 99]

3. The Plan language in Article 6.02 of the Plan, which provides for the granting of a discharge upon the Effective Date of the Plan, is not approved. In accordance with 11 U.S.C § 1141(d)(5), the debtors shall receive a discharge of any debt provided for in the Plan only upon the completion of all payments under the Plan.

4. Notwithstanding any language in the confirmed Plan to the contrary, the Court will retain only such jurisdiction in this case as it is required to retain under the Bankruptcy Code and Rules. In the event debtors move to close the case of Stephen M. and Suzanne S. Smith, Case No. 11-56072, while debtors complete payments under the Plan, the Court shall retain jurisdiction to re-open the case pursuant to 11 U.S.C. § 350 to allow entry of a discharge and a final decree.

IT IS FURTHER ORDERED that within 120 days from entry of this Order, the debtors shall file a report stating whether the estate has been fully administered within the meaning of Rule 3022 and setting forth a list of all fees and expenses paid to all professionals including attorneys for the debtors, the trustee and the trustee's attorney, together with an application for a final decree closing the case.

Pursuant to Fed. R. Bankr. P. 2002(f)(7), the Clerk is directed to serve a notice

of this Order on all creditors and parties-in-interest in the case of Stephen M. Smith and Suzanne S. Smith, Case No. 11-56072.

A separate order will be entered with respect to the Chapter 11 Plan filed by debtor Jan R. Smith Construction Company.

IT IS SO ORDERED, this 28th day of September, 2011.



JOYCE BIHAM
UNITED STATES BANKRUPTCY JUDGE

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